IN THE MATTER OF THE APPLICATION OF FRANCIS G. MARKERT, JR., ET UX LOCATED ON THE NORTHWEST SIDE OF BOTTOM ROAD, 638' NORTHEAST OF THE CENTERLINE OF FORK ROAD (13416 BOTTOM ROAD) 11th Election District 6th Councilmanic District

COUNTY BOARD OF APPEALS BALTIMORE COUNTY CASE NO. 89-131-A

OPINION

This case comes before this Board on appeal from the decision of the Zoning Commissioner denying the Petition for Variance to allow an existing structure to be located in the front yard in lieu of the required rear yard. The case was heard this day in its entirety.

Testimony was taken from Francis Markert, the property owner. He testified to the history of the site, submitted evidence showing the accessory building and the residence, which is apparently virtually complete, and delineated his reasons for the requested variance. There was testimony that the building permit was issued in May of 1988 and that in July of 1988, Mr. Markert was notified that, before occupancy could be granted, the building in question must be torn down or a variance granted to permit its existence. Mr. Markert testified that the existing structure could not be incorporated into his rear yard because there was not sufficient distance between the front of the existing structure and Bottom Road to erect his residence. There was no denial that, if the building had to be torn down, there was ample room in the rear yard to replace it. He also testified that the building in question was used for the storage of farming machinery and that he intended to use it for accessory use to his residence.

There was testimony from Pichard D. Ayres, the contractor who is erecting his residence, that the estimated cost to tear down the in-question

Francis G. Markert, Jr., et ux

building and remove it would be about \$1,800, but that the cost to replace it on the rear of the lot would be in excess of \$16,000. He further testified that he had personal knowledge that the building in question was erected in

The Board will note for the record that the only Appellee/Protestant in this case was Ms. Charlotte Pine, who resides in the area but who was not

The Board will first address Appellant's contention that the building should be afforded a nonconforming use since its existence predates the 1955 statute. It is clear to the Board that the structure was erected to be used in conformity with the agricultural use of the land at that time. The subsequent subdivision of the land into smaller parcels creating a residential use no longer qualifies the building for a nonconforming use, since the use is the criteria by which nonconforming is adjudged. Since the Petition did not address the potential nonconforming use, but since the issue was raised in the Board's hearing, the Board will not issue an order as to the nonconforming use but will in this Opinion document its position on this matter.

this case will emphasize the following considerations presented at this hearing. The testimony indicates that it would be virtually impossible to erect the new residence in such a position that the existing building would be confined to the rear yard. This in and of itself creates hardship to the Petitioner. The Board in this Opinion quite frankly can not recognize why the Petitioner wants to maintain this rudimentary building in his front yard when aesthetically it has to detract from the appearance of the extremely presentable residence being built behind it. This, however, is not a decision for the Board to make but for the Petitioner to make. There is ample evidence and testimony presented

The Board in considering the testimony and evidence presented in

Case No. 89-131-A Francis G. Markert, Jr., et ux

that the neighbors are used to seeing this building and that they have almost without exception raised no opposition to its continued accessory use, the lcre exception being Ms. Charlotte Pine, and her fears as to its illegal use could be fully controlled by existing regulations. The building has been in existence since 1953 and has apparently created no detrimental effect whatscever on the neighborhood. In addition, Petitioner has testified that he intends to redecorate the outside of the building so that it will be in conformity with the construction of the new residence erected in the rear.

It is the opinion of this Board from the testimony and evidence produced at this hearing that the requirements legislated in Section 307.1 of the Baltimore County Zoning Regulations have been satisfied and that the Board is within its power to grant the requested variance.

ORDER

It is therefore this 3rd day of May , 1989 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Variance to permit the existing accessory structure to be located in the front yard in lieu of the required rear yard be and is hereby GFANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS

CAND A DAY and the transfer and the same

SALE OF BLACK

April 18, 1989

HAND DELIVERED

Baltimore County Board of Appeals County Office Building, Room 315 Towson, Maryland 21264

> RE: Petition for Zoning Variance NW/S Bottom Road, 638' NE of the C/l of Fork Foad (13416 Ecttom Road) 11th Election District, 6th Councilmanic District FRANCIS G. MARKERT, JR., ET UX - Petitioners Case No. 89-131-A

Gentlemen:

In reference to the above captioned Appeal, this is to advise that Charlotte W. Pine has been suddenly called out of town on business and is not available for the hearing on Thursday, April 20th.

Your indulgence in this matter will be appreciated.

Very truly yours,

Valerie Garrison Secretary

40:2:11 01:03:33



People's Counsel

## Baltimore County, Maryland PEOPLE'S COUNSEL ROOM 304, COUNTY OFFICE BUILDING 111 WEST CHESAPEAKE AVENUE

TOWSON, MARYLAND 21204

887-**49a**(2188

PHYLLIS COLE FRIEDMAN

PETER MAX ZIMMERMAN Deputy People's Counsel

April 19, 1989

The Honorable William T. Hackett, Chairman Baltimore County Board of Appeals Room 304, County Office Building 111 W. Chesapeake Avenue Towsen, Maryland 21204

RE: Francis G. Markert, Jr., et ux, Petitioners - Zoning Case No. 89-131-A

Dear Chairman Hackett:

This case was recently brought to our attention and our office desires to support the Zoning Commissioner's position in this matter. Consequently, I enclose our Entry of Appearance.

I understand that Protestant's attorney will be requesting a postponement and by this letter, we join in that request since the hearing date falls on a religious holiday and neither Peter Max Zimmerman, Deputy People's Counsel, nor I will be able to attend.

Thank you for your consideration.

Phylica Cole Friedman Phyllis Cole Friedman People's Counsel for Baltimore County

Enclosure

cc: Kevin M. Soper, Esquire Charlotte W. Pine, Esquire

PCF:sh

: BEFORE THE COUNTY BOARD OF APPEALS RE: PETITION FOR ZONING VARIANCE NW/S Bottom Rd., 638' NE of OF BALTIMORE COUNTY C/L of Fork Rd. (13416 Bottom : Rd.), 11th Election District; 6th Councilmanic District :

FRANCIS G. MARKERT, JR., et ux, : Case No.89-131-A

Petitioners

ENTRY OF APPEARANCE

::::::

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Phylic Cole Friedman Phyllis Cole Friedman People's Counsel for Baltimore County

peter May Zumman Peter Max Zimmerman Deputy People's Counsel Room 304, County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 (301) 887-2188

I HEREBY CERTIFY that on this 19th day of April, 1989, a copy of the foregoing Entry of Appearance was mailed to Kevin M. Soper, Semmes, Bowen & Semmes, 250 West Pratt St., Baltimore, MD 21201; and Charlotte W. Pine, Esquire, 607 Baltimore Ave., Towson, MD 21204.

Phillip Code Friedman Phyllis Cole Friedman



## County Board of Appeals of Maltimore County

January 23, 1989

COUNTY OFFICE BUILDING 111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301):494:3180: 887-3180

HEARING ROOM -Room 301, County Office Building NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL

CASE NO. 89=131-A

BILL NO. 59-79.

FRANCIS G. MARKERT, JR., ET UX NW/s Bottom Road, 638' NE of c/l of Fork Road (13416 Bottom Road)

11th Election District 6th Councilmanic District

VAR -To allow garage to be located in front yard in lieu of required rear yard 10/27/88 -Z.C.'s Order that Petition for Variance

is DENIED.

THURSDAY, APRIL 20, 1989 at 10:00 a.m. Appellants /Petitioners

cc: Mr. & Mrs. Francis G. Markert, Jr.

Kevin M. Soper, Esquire Ms. Charlotte Pine

People's Counsel for Balto. County P. David Fields

Pat Keller J. Robert Haines Ann M. Nastarowicz James E. Dyer

Docket Clerk -Zoning Arnold Jablon, County Attorney Appellee /Protestant

Counsel for Appellants /Petitioners

Kathleen C. Weidenhammer Administrative Secretary



## County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315 111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301) 887-3180

May 3, 1989

Kevin N, Soper, Esquire SEMMES, BOWEN & SEMMES 250 W. Pratt Street Baltimore, MD 21201

RE: Case No. 89-131-A Francis G. Markert, Jr., et ux

Dear Mr. Soper:

Enclosed is a copy of the final Spinion and Order issued this date by the County Board of Appeals in the subject case.

Sincerely,

Kylun Charlestomm. Administrative Secretary

co: Mr. & Mrs. Francis G. Markert, Jr. Charlotte Fine, Esquire Feople's Counsel for Baltimore County F. David Fields Fat Heller J. Robert Haines Ann M. Nastarowicz

James E. Dyer Docket Clerk -Ioning Arnold Jatlon, County Attorney

Baltimore County

Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 444-33-3 J. Robert Hattes

November 23, 1988

Diegris F. Rasmussen

Baltimore County Board of Appeals County Office Building, Room 315 Towson, Maryland 21204

RE: Petition for Zoning Variance NW/S Bottom Road, 633' NE of the C/1 of Fork Road (13416 Bottom Road) 11th Election District, 6th Councilmanic District FRANCIS G. MARKERT, JR., ET UX - Petitioners Case No. 89-131-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on November 14, 1988 by Kevin M. Soper, Attorney on behalf of the Petitioners. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Zoning Commissioner

cc: Mr. & Mrs. Francis G. Markert, Jr. 3227 Texas Avenue, Baltimore, Maryland 21234

Mr. Kevin M. Soper, 250 West Pratt Street, Baltimore, Md. 21201 Ms. Charlotte Pine, 13310 Ford Road, Baldwin, Md. 21013

People's Counsel of Baltimore County Rm. 304, County Office Bldg., Towson, Md. 21204 IN RE: PETITION FOR ZONING VARIANCE NW/S Bottom Road, 638' NE of the c/l of Fork Road (15416 Bottom Road) 11th Election District

\* OF BALTIMORE COUNTY 6th Councilmanic District \* Case No. 89-131-A Francis G. Markert, Jr., et ux

\* BEFORE THE

\* KONING COMMISSIONER

Petitioners , , , , , , , , , , , ,

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (garage) to be located in the front yard in lieu of the required year yard, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Mr. Market, appeared, testified and was represented by Kevin M. Soper, Esquire. Charlotte Pine appeared and testified

Testimony indicated that the subject property, known as 13416 Bottom Road, is zoned R.C. 2 and is improved with an existing concrete block building situated towards the front (street side) of the property. The building is used primarily as a tractor shed and storage building. The subject property was subdivided in February 1988 from Lot 1 as shown  $\searrow$  on Petitioner's Exhibit 1. As a result of this subdivision, the existing concrete block building remained as the sole structure on Lot #2. Petitioners propose constructing a new two and one-half story dwelling unit, with an attached garage, porch and deck, approximately 160 feet from the center of Bottom Road. This will result in the existing concrete block building being located in the front yard in violation of the zoning regulations. The Potitioner claims he had no knowledge the structure was in violation and that it has existed for 30 years or more without any prob-

The Patitioner testified that he does not want to remove the building as he believes it is too expensive. He also stated he may wish to use a similar building in the future for furniture refinishing and storage of additional furniture.

Ms. Pine testified in protest that the proposed variance will create a dimunation of value of the residential property she owns at the corner of Fork Road and Bottom Road. Although the Protestant is not an immediately adjoining landowner, her property is located nearby. The Protestant believes the existing structure will be used for automobile repairs or some similar business activity. That it will be used in an illegal manner, any of which are unacceptable aesthetically speaking as well as from a zoning standpoint. Ms. Pine also argued that the variance being requested is unnecessary since the subject property is more than adequate to accommodate a properly placed accessory structure. That there is no true hardship created by any of the zoning regulations. The Petitioner's only hardship is created by his own decision to place the dwelling in the location as shown on Petitioner's Exhibit 1 and by the recent subdivision of the property.

Section 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) states that the Baltimore County Zoning Commissioner and/or Deputy Zoning Commissioner shall have the power to create variances from an area regulation where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable

In reviewing the Petition, it must be kept in mind that "{t}he standard for granting a variance... is... whether strict compliance with the regulations would result in 'practical difficulty or unreasonable chardship;' and that it should be granted only it is strint harmony with the spirit and intent of the Zoning regulations; and only in such number as to grant relief without substantial injury to the public health, parety and general welfare." McLean v. Soley

The question frerefore is whether it was fairly ceratable trathe evidence shows strict compliance with the requirement would report in practical difficulty or unreasonable hardship.

The Petitioner's argument misses the entire point of the ostablished case law. A zoning variance is not and abould not be practed to me ply because of the ignorance of a prespective buyer. The burden is upon the buyer to check the law. Secondly, this is an obvious date of ceif-oreated hardship. The Petitioner's desire to construct the new awalling (60) feet from the center of Bottom Road and the subdivision of the original - larger parcel to create but 2 have lead to the creation of this bard bio. The hardship has not been created by the implementation of the B.C.E.E. Clearly, when Lots 1 and 2 were one parcel of rand, the exhibing structure was to the rear of the original home. The subdivision of the property and the decision to place the proposed home in the location shows in Feritioner's Exhibit 1 are by personal preference and not due to any unlique conditions of the land or the inability to place the home in a proper location.

The issue botono the coming Commissioner is whether or not the subject Petition should be granted in light of the evidence diserred for practical difficulty or unreasonable hardship. As stated howe, I believe the hardships are self-created. The Fetilionor made the desision to come struct the dwelling in the location shown on Petitioner's Axhibit 1. Sor 2 was created by subdivision from the original tract to facilitate the development of this lot as a residential property. Therefore, the actions of

both the Petitioners' predecessor in title, and the Petitioners themselves have created the alleged hardship.

The concept of a self-created hardship is well-founded in the case law. Such self-created hardships are not accepted as legitimate grounds for a variance. This principle has recently been reaffirmed by the Maryland Court of Appeals in Ad+SOIL, Inc. vs. County Commissioners of Queen Annes County, 307 Md. 307, 513A.2d 893 (1986). In this most recent reaffirmation of the established principle of self-induced or selfcreated hardship, the Maryland Court of Appeals affirmed the decision of a local zoning administrative body when the evidence clearly establishes that the alleged hardship has been created by the actions of the Petitioner. In that matter, the requested variances were claimed because the Petitioner alleged that the operation had already begun and that the facilities already existed.

In this case, the Petitioners' primary claim for the variance is that the concrete block building already exists. The building has not been harmful to anyone for 30 years when it was part of the larger parcel of land. Clearly, the Court of Appeals has found that the fact of pre-existence does not justify the requested variance. Likewise, in Ad+Soil, Inc. the Maryland Court of Appeals found that there were no exceptional or extraordinary characteristics of the land itself which prevented the Petitioner from constructing its facilities in an appropriate location respecting all necessary zoning ordinances. In the case at bar, there is absolutely no credible evidence that an accessory structure cannot be placed in the rear of this lot. On the contrary, the Petitioner claims that the only reason for not wanting to construct an accessory structure in the rear is because of the financial considerations for leaving the

existing structure where it is. Finally, as in Ad+Soil, Inc., the Petitioner has more than sufficient land to property comply with all the required zoning ordinances. The Paritioners' request is based upon his personal preferences and not upon any hardship created by either the B.C.Z.R. and/or the particular or unique circumstances of the land in question. This is clearly a case of preference and not a case of necessity. An area variance may be granted where strict application of the

zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

 whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

burdensome; whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson V. Ba. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of October, 1988 that the Petition for Zoning Variance to permit an accessory structure (garage) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

Zoning Commissioner for Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

October 27, 1988

Kevin M. Soper Semmes, Bowen & Semmes 401 Washington Avenue Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE NW/S Bottom Road, 638' NE of the c/l of Fork Road (13416 Bottom Road) 11th Election District - 6th Councilmanic District Francis G. Markert, Jr., et ux - Petitioners

Case No. 89-131-A Dear Mr. & Mrs. Markert:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

. Robert Haines . ROBERT HAINES Zoning Commissioner for Baltimore County

Dennis F. Rasmussen

JRH:bjs cc: Ms. Charlotte Pine 13310 Fork Road Baldwin, Maryland 21013

People's Counsel

File

PETITION FOR ZONING VARANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 To allow an accessory structure (garage) to be located in the front yard in lieu of the required rear yard----of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimo.e County; for the following reasons: (indicate hardship or practical difficulty) We the petitioners are requesting the variance based on practical difficulty as more fully described on the attached sheet and exhibits. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. under the penalties of perjury, that I we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Francis G. Markert Jr. Contract Purchaser: (Type or Print Name) (Type or Print Name) Jeanne M. Markert (Type or Print Name) City and State Baltimore, MD 21234 Name, address and phone number of legal owner, contract purchaser or representative to be contacted ssioner of Baltimore County, this \_\_\_\_\_ day , that the subject matter of this petition be advertised, as that the subject matter of this petition be advertised, as the County, in two newspapers of general circulation through posted, and that the public hearing be had before the Zoning Room 106, County Office Building in Towson, Baltimore day of the County of the County Office Building in Towson, at o'clock Zoning Commissioner of Baltimore County.

District Date of Posting

Date of Posting 199-131-17

Date of Posting 1988

Posted for: Francis E. Markart fr. et al

Location of property: Nalls Gottom Rel. 138' NEL Text Rel.

Location of Signe: 100129 Button Rel. 1281 10' Fr. Tuadaig.

Remarks:

Posted by Malacky Date of return: 12/9/87

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towsen, Maryland

District // Th	Date of Posting 9/17/77
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13416 Bottom	To deadules
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n	0/23/87
Posted by Signature	Date of return: 9/23/87

Petition for Zoning Variance

Basis: Practical Difficulty

Criteria I:

Criteria II:

Strict compliance with the zoning requirements will render conformance unnecessarily and financially burdensome. Refer to Exhibit A for an estimate of the cost to raze the structure. Refer to Exhibit B for an estimate of the cost to reconstruct a similar structure in a location that conforms to the zoning requirements. These expenses as well as the loss of the utility of the structure would result in a burden upon the petitioners.

Granting the variance would do substantial justice by alleviating the expense and inconvenience to the petitioners as described under Criteria I, who had no prior knowledge that the structure was in violation of the setback requirements. The structure has existed for at least thirty years on the purchased property.

Criteria III:

In granting the variance requested, the spirit of the ordinance will be observed and the public safety and welfare will be secured. This is because the "aesthetic ambience" of the residentially zoned properties in the immediate area will not be negatively affected, for the following reasons:

- 1. The structure is soundly constructed.
- It has been maintained for at least 30 years and will continue to be maintained.
- The petitioners have plans to significantly refurbish the structure to make it more aesthetically pleasing.
- 4. The structure has existed for more than 30 years without a negative impact upon the community.

Most importantly, the grant of the variance here will grant relief to the petitioners without substantial injury to the public health, safety and general welfare.

\_CONSTRUCTION CONSULTANT - OMMERCIAL & RESIDENTIAL FIRE, WI: TORM & BLAST LOSS APPRAISERS

RICHARD D. AYRES, SR. & SONS

488-2090
EMERGENCY CALLS
TAKEN 24 HOURS

RICHARD D. AYRES, SR. & SONS

4833 BELAIR ROAD - BALTIMORE, MARYLAND 21206

Building Contractor - Designer - Court Witness

ntractor - Designer - Court Witness

34 YEARS EXPERIENCE

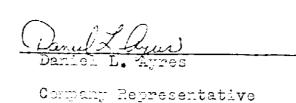
OFFICE HOURS:
8:30 - 5:00

Exhibit A

Cost Estimate - Removal of Existing Cinderblock Building

This estimate includes the razing of the building, removal of all materials, grading and seeding.

داده thousand, eight hundred dollars and no cents (\$1,800.00)



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County by authority of the Zoning Act and Regulations in Debug and the Property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance Case number: 89-131-A NWS Bottom Road, 638' NE c/l Fork Road (13416 Bottom Road) 11th Electron District 6th Councilmanic Petitioner(s):
Francis G. Markert, Jr., et ux Hearing Date: Thursday, Oct. 13, 1988 at 2:00 p.m.

Variance to allow an accessory structure (garage) to be located in the front yrd in lieu of the required rear yard.

In the event that this Petrion is granted, a building permit may be issued within the thirty (30) day

appeal period. The Zoning Conmissioner will, however, entertain

missioner will, however, entertain any request for a stay of the issuance of said permit during this penod for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or

J. ROBERT HAINES

presented at the hearing.

CERTIFICATE OF PUBLICATION

THE JEFFERSONIAN,

THE JEFFERSONIAN,

THE JEFFERSONIAN,

THE JEFFERSONIAN,

9233 Sept. 15.

LEGAL and
AUCTIONEER
NOTICES
For information and
rates call: 377-2425

Publisher

CONSTRUCTION CONSULTANT - CIMERCIAL & RESIDENTIAL FIRE, WIN. ORM & BLAST LOSS APPRAISERS RICHARD D. AYRES, SR. & SONS

488-2090 4833 BELAIR ROAD - BALTIMORE, MARYLAND 21206
EMERGENCY CALLS
TAKEN 24 HOURS Building Contractor - Designer - Court Witness

R ROAD - BALTIMORE, MARYLAND 21206 OFFICE HOURS:
8:30 - 5:00

14 YEARS EXPERIENCE

Exhibit B

Cost Estimate - Construction of a 1916" x 3310" Cinderblock Building

This estimate provides for 8" cinderblock construction, 6" concrete pad and agron, brick sills on windows (E), wood garage door and side door, trussed roof, fiberglass roof shingles, aluminum cladding on gable ends and soffits.

Sixteen thousand, flv: hundred Wallars and no cents (016.500.00)

Daniel L. Ayres
Company Representative

÷

Zoning Description

Beginning on the northwest side of Bottom Rd. 25 feet wide, at the distance of 638 feet northeast of the centerline of Fork Rd. Being Lot 2 as shown on a plat entitled, Plat of Vali Acres, which is recorded among the Land Records of Baltimore County in Plat Book S.M. No. 56 Folio 26. Also known as 13416 Bottom Rd. in the 11th Election District.

MOTICE OF HEARING

The Zoning Commissioner of Baitmore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeaire Avenue in Towson, Maryland as follows:

Petition for Zoning Variance Case number: 89-131-A NWS Bottom Road, 638'

NE of Fork Road (13416 Bottom Road)
11th Election District 6th Councilmanic

Petroner(s): Francis G. Markert, Jr., et

Hearing Date: Thursday, Oct. 13, 1968 at 2:00 p.m.

Variance to allow an accessory structure (garage) to be located in the front yrd in lieu of

the required rear yard.
In the event that this Petition is

granted, a building permit may be issued within the thirty (30) day appeal penod. The Zoning Commissioner will, however, entertain

suance of said permit during the

CERTIFICATE OF PUBLICATION

12 CURON

· Zehe Ol

THE JEFFERSONIAN,

October 7, 1988

Petition of Support

The undersigned declare their support for the granting of a zoning variance to the petitioners, Jeanne M. and Francis G. Markert Jr., allowing the block garage on their property to remain.

Name:

Address:

Name:

Address:

Name:

Address:

Address:

PETITION 2

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines
Zoning Commissioner

Date: 9/22/88

Nr. & Sks. Francis C. Sarkert, Jr. 3227 Texas Avenue Ealtimore, Maryland 21234

Res Petition for Zoning Variance

LASE NUMBER: 33-101-A

Dear Mr. & Mrs. Markert:

Please be advised that 110.10 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	• • •	post set(s), the each set not
DATE 1/1/2/07 ACCOUNT		
AMOUNT \$		
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DISTRIBUTION VALIDATION OR SIGNATURE OF CASHIER WHITE-CASHIER PINK-AGENCY YELLOW-CUSTOMER

WHITE-CASHER PANK-AGENCY YELLOW-CUSTOMER

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-131-A NWS Bottom Road, 638' NE c/l Fork Road (13416 Bottom Road) 11th Election District - Eth Couniclmanic Petitioner(s): Francis G. Markert, Jr., et ux HEARING SCHEDULED: THURSDAY, OCTOBER 13, 1988 at 2:00 p.m.

Variance to allow an accessory structure (garage) to be located in the front yrd in lieu of the required rear yard.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Zoning Commissioner of CC: Grancis A. Market, J. Ant

SEMMES. BOWEN & SEMMES ATTORNEYS AT LAW 250 WEST PRATT STREET BALTIMORE, MARYLAND 21201

TELEPHONE 301 539 5040 TELECOPIER 301 539 5223 CABLE TREVLAC TELEX 87 478

TOASON, MARYLAND OFFICE P 0 80X 6705 4Ct WASHINGTON AVE TOWSON, MARYLAND 21265 30:29€ 4400

November 11, 1988

PLEASE REPLY TO TOWSON, MARYLAND OFFICE

Baltimore County Zoning Commissioner Office of Planning and Zoning Room 113 Attention: Charlotte Radcliffe Towson, Maryland 21204

Re: Petition for Zoning Variance - Francis G. Markert, Jr. et ux. Petitioners - Case No. 89-131-A

Dear Ms. Radcliffe:

Please be advised that I represent the petitioners in the above-referenced matter. Upon my advice, the petitioners would like to exercise their right to file an appeal from the October 27, 1988 order of Commissioner Haines. It is my understanding that this letter effectively acts as a notice of appeal. If I am incorrect in this understanding, please advise me prompt-

Additionally, I have enclosed here Mr. and Mrs. Markert's check in the amount of \$90.00 which I understand is the required filing fee. I am also of the understanding that this letter will suffice as a formal entry of my appearance in this matter on behalf of Mr. and Mrs. Markert pursuant to Rule 6D, Rules of Practice and Procedure of County Board of Appeals. anding is incorphone number 296-

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

VALIDATION OR SIGNATURE OF CASHIER DISTRIBUTION
WHITE - CASHER PHIK - AGENCY YELLOW - CUSTOMER

89-131-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this \_\_\_ day of \_\_\_\_\_\_, 19.3.

Petitioner Francis G. Maryant, Jr., et Received by: James C. Dyen Chairman, Zoning Plans Attorney Advisory Committee

I TIMORE COUNTY, MACLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner

Date\_\_\_October 12, 1988

Pat Keller, Deputy Director FROM Office of Planning and Zoning

SUBJECT Zoning Petition Nos. 89-120-A (Valley Ltd.); 89-122-A (C. Weiner); 89-125-A (Crist); 89-127-A (Brown); 89-129-A (Lewis); 89-130-A (Re der); 89-131-A (Markert); 89-132-A (Sunderland); 89-134-X (Zink)

The Office of Planning and Zoning has no comment on the above listed

Petition for Zoning Variance NW/S Botton Rcad, 638' NE of the c/1 of Fork Road (13416 Bottom Road) 11th Election District - 6th Councilmanic District FRANCIS G. MARKERT, JR., ET UX - Petitioner Case No. 89-131-A

VAR.-to allow an accessory structure (garage) to be located in the frt. yd. in lieu of required rear yd. Petition for Zoning Variance (and basis of practical difficulty)

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None Submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. Zoning Variance Plan

2. Petition of Support

Zoning Commissioner's Order dated October 27, 1988 (Denied)

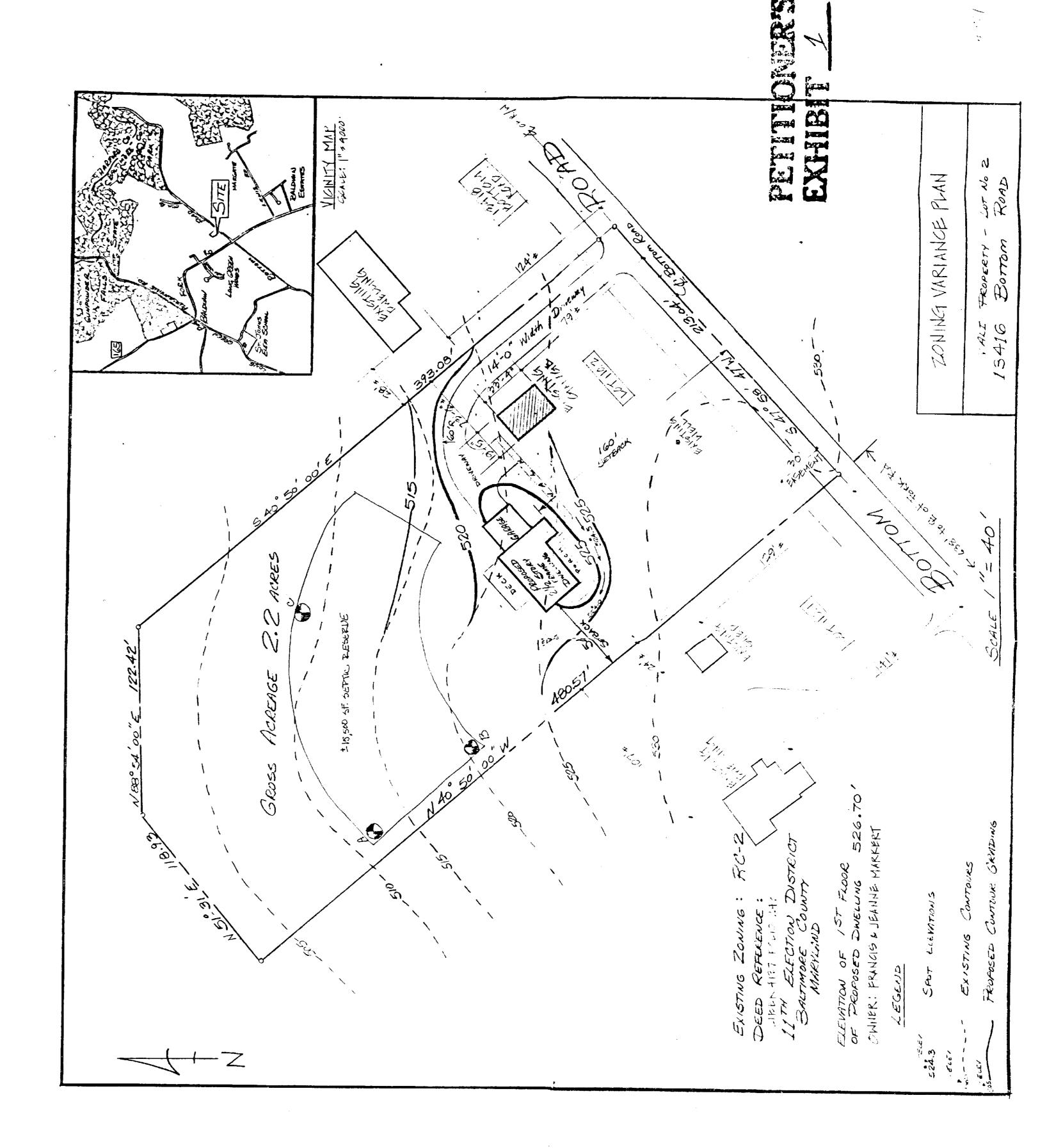
Notice of Appeal received November 14, 1988 from Kevin M. Soper, Attorney on behalf of the Petitioners

cc: Mr. & Mrs. Francis G. Markert, Jr. 3227 Texas Avenue, Baltimore, Maryland 21234

\*Mr. Kevin M. Soper, 250 West Pratt Street, Baltimore, Md. 21201

Ms. Charlotte Pine, 13310 Ford Road, Baldwin, Md. 21013 People's Counsel of Baltimore County in cut for Starting Lind Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning Patrick Keller, Office of Planning & Zoning J. Robert Haines, Zoning Commissioner Ann M. Nastarowicz, Deputy Zoning Commissioner James E. Dyer, Zoning Supervisor Docket Clerk



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 3, 1988

111 W. Chesapeake Ave. Towson, Maryland 21204 Mr. & Mrs. Francis G. Markert, Jr. 3227 Texas Avenue Baltimore, Maryland 21234

> RE: Item No. 51 - Case No. 89-131-A Petitioner: Francis G. Markert, Jr., et ux Petition for Zoning Variance

Dear Mr. & Mrs. Markert:

Engineering

Department of

Traffic Engineering

Health Department

Project Planning

Building Department

Scard of Education

Industrial Development

Zoning Administration

State Roads Commission

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Flanning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

JAMES E. DYER Chai, man

James & Durche

Zoning Plans Advisory Committee ( ) 6. Site plans are approved, as drawn.

Baltimore County Fire Department

494-4500

Paul H. Reiticke

Gentlemen:

Towson, Maryland 21204-2586

J. Robert Haines, Zoning Commissioner

Re: Property Owner: Francis G. Markert, Jr., et ax

13416 Bottom Road

ment of Public Works.

prior to occupancy.

( ) 3. The vehicle dead end condition shown at

Location: NW/S Borrom Road, 638' NE of c/1 of Fork Road

Pursuant to your request, the referenced property has been surveyed by this

Bureau and the comments below marked with an "X" are applicable and required

( ) 1. Fire hydrants for the referenced property are required and shall be

located at intervals or feet along an approved . ad in accor-

dance with Baltimore County Standards as published by the Depart-

Fire Prevention Code prior to occupancy or beginning of operation.

to be corrected or incorporated into the final plans for the property.

( ) 2. A second means of vehicle access is required for the site.

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fize Protec-tion Association Standard No. 101 "Life Safety Code," 1976 edition

Office of Planning & Zoning Baltimore County Office Building

Towson, Maryland 21204

Item No.: 51

( ) 7. The Fire Prevention Bureau has no unments at this time.

September 7, 1988

Zoning Agenda: Monthly of 8/23 do

JED:dt